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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,516	10/24/2003	Tsuyoshi Moriyama	03560.003375.	7417
5514 7590 02/08/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
WONG, JOSEPH S				
ART UNIT		PAPER NUMBER		
2852				
MAIL DATE		DELIVERY MODE		
02/08/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/691,516

Applicant(s)

MORIYAMA ET AL.

Examiner

JOSEPH S. WONG

Art Unit

2852

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed 13 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to amendment filed November 13, 2007.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/13/07 has been entered.

Claim Objections

Claim 1 is objected to because of the following informalities: The portion of claim 1 which reads "a counting portion adapted to count the number of image formations executed after a last automatic adjustment" is unclear. Specifically, it is unclear if the counting portion is one count which counts back to the last of any automatic adjustment or if the counting portion is a plurality of counts with each count being respective to each one of a plurality of automatic adjustment items. Appropriate correction and/or clarification is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shinohara (US 6122461) in view of Konishi (US 5950036).

With respect to claim 1, Shinohara discloses an image formation apparatus for forming images based on input image data, comprising: an automatic adjustment portion adapted to perform automatic adjustment of said image formation apparatus (figs. 5 & 6; col. 8, lines 45-55); a job queuing portion adapted to queue image formation jobs (col. 10, lines 40-45, "next print job"); a counting portion adapted to count the number of image formations executed after a last automatic adjustment (fig. 6, item S402, S409); a determining portion adapted to determine whether or not the number of image formations at which said automatic adjustment is to be performed by said automatic adjustment portion will be reached during execution of said image formation job queued by said job queuing portion, based on the number of image formations counted by said counting portion and said image formation job queued by said job queuing portion (col. 10, lines 40-50); and a control portion adapted to control said automatic adjustment portion to perform the automatic adjustment based on the result of the determination by said determining portion, wherein, in the event that said determining unit determines that the number of image formations at which said

automatic adjustment is to be performed by said automatic adjustment portion will be reached during execution of said image formation job queued by said job queuing portion, said control portion controls said automatic adjustment before starting execution of said image formation job queued by said job queuing portion even though the number of image formations counted by said counting portion has not reached the number at which said automatic adjustment is to be performed by said automatic adjustment portion (col. 10, lines 40-50).

With respect to claim 2, Shinohara further discloses wherein said determining portion determines whether or not the number of image formations at which said automatic adjustment is to be performed by said automatic adjustment portion will be reached during execution of said image formation job queued by said job queuing portion, by determining whether or not the sum of the number of image formations counted by said counting portion and the number of image formations of the image formation job queued by said job queuing portion is greater than the number of image formations at which said automatic adjustment is to be performed (col. 10, lines 40-50).

With respect to claim 3, Shinohara further discloses wherein said automatic adjustment to be performed by said automatic adjustment portion includes density adjustment (col. 8, lines 40-45), which forms an image for density detection and determines density of said image for density detection (as described at least in col. 8, lines 1-40).

With respect to claims 1-3, Shinohara does not appear to disclose performing automatic adjustment for each of a plurality of adjustment items based on a

determination made for each of said plurality of adjustment items, said determination also being based on each of a plurality of thresholds set for each of said plurality of adjustment items.

With respect to claims 1-3, Konishi teaches performing automatic adjustment for each of a plurality of adjustment items (col. 6, lines 45-55 – “y correction - 209; controlling a laser and a scanner motor - 208; items 201 and 202” as such items are adjusted for calibration) based on a determination made for each of said plurality of adjustment items (such a determination for whether or not to perform calibration is made as shown in fig. 12), said determination also being based on each of a plurality of thresholds set for each of said plurality of adjustment items (as shown at least in fig. 14, items S707 and S704).

It would have been obvious to one of ordinary skill in the art to modify the density control of Shinohara (US 6122461) to include a plurality of adjustment items as taught by Konishi (US 5950036), since it is well known that the plurality of adjustment items identified by Konishi could be used to control density in a standard electrophotographic image forming apparatus and the combination would have yielded the predictable results of correcting the density of an image.

Response to Arguments

Applicant's arguments filed 11/13/07 have been fully considered but they are now moot in view of a new grounds of rejection necessitated by amendment.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Remarks

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph S. Wong whose telephone number is (571)272-8457. The examiner can normally be reached on Monday - Friday 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Gray can be reached on (571)272-2119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2852

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/David M Gray/
Supervisory Patent Examiner, Art Unit 2852

JSW

Joseph Wong
Patent Examiner
Art Unit 2852
1/30/08